

### REMARKS

Reconsideration of the above-identified application, as amended, is respectfully requested.

In the Official Action dated March 12, 2003, the Examiner rejected Claims 1-19 under 35 U.S.C. §103(a) as being unpatentable over Published PCT Patent Application No. WO 98/10361 to Walker et al. ("Walker").

In his rejection, the Examiner particularly cites Walker as explicitly or implicitly disclosing the reverse auction methodology whereby the user is provided with access to an online store having products with descriptions of attributes such as features and prices and means for receiving requests for products and providing the users with bid conditions for the selected products or services, and then providing the user with second bid(s) originating from other stores participating in a reverse auction that are pre-registered and agree to provide the second bids for a related product at a checkout time or after placing the bid conditions, with each of the second bids conforming to the bid conditions, which conditions are arranged in an order according to one or more of the attributes, with that order based on any of a number of product attributes including price, etc..

The Examiner has not specified any instance in the Walker reference as directly teaching these limitations basically set forth in Claim 1, but rather relies on Official Notice, inherency or implicitness in this rejection.

Applicant respectfully disagrees that Walker fairly teaches or suggests the present invention as set forth in Claim 1 and respectfully traverses the Examiner's rejection.

It appears in Walker that a remote prospective buyer is able to make a purchase offer containing at least one condition and that at least one remote potential seller sends an

unconditional acceptance of the said purchase offer, the seller not previously identified or selected by said buyer.

In the present invention however, there is set forth a user (e.g., a remote prospective buyer) who selects one or more products from a set of products offered by a preferred seller that was identified and selected by the user, and who also receives one or more second bids to buy the user-selected products(s) from a plurality of other sellers whose offers conform to the bid conditions offered by the preferred seller, and the other sellers also were identified and selected by the buyer.

Claim 1 is particularly being amended to set forth the feature that the prospective buyer: 1. does not make a purchase offer to such a seller, but rather selects a product offered by the seller that has been identified and preselected by the user (buyer), and 2. selects a product from a seller he, a priori, identified and selected. The user then receives second bids from other sellers who additionally have been identified and preselected by the user (buyer).

Thus, the essential difference between Walker and the present invention is that the buyer in Walker makes a purchase offer to a seller not identified or selected by the buyer – unlike the present invention. That is, Walker makes no provision for the buyer to, *a priori*, identify and select the seller(s). Thus, being a bilateral, buyer driven commerce, the buyer may receive offers of sale from sellers with whom the buyer does not wish to transact business; in fact, all sell offers provided by Walker's system may be from such sellers, and all such sellers may be unknown to the buyer prior to the transaction.

In present Claim 1 as amended, all sellers have been preselected by the buyer, and the buyer only receives offers of sale from sellers with whom he wishes to transact

business.

Thus, in response, applicant hereby amends independent Claim 1 to set forth that: the prospective buyer selects a product offered by the seller that has been identified and preselected by the user (buyer), and selects a product from a seller he, a priori, identified and selected. The user then receives second bids from other sellers who additionally have been identified and preselected by the user (buyer). Respectfully, no new matter is being entered by entry of this amendment and full support may be found in the present specification at page 13, lines 13 et seq. where it is described that participating stores (130 and 160) agree to participate with the broker service (i.e., are preregistered (See Claim 2)), and for instance have an associated bid server (in the case of an online store) (see Figure 1(a)).


For the reasons aforesaid, applicant respectfully requests withdrawal of the subject rejection of independent Claim 1 under 35 U.S.C. 103(a) and respectfully solicits allowance of this claim and remaining Claims 2-19 by virtue of their dependency either directly or indirectly from amended Claim 1. Claim 7 is being amended to correct a typographical error.

In view of the foregoing, applicant respectfully requests withdrawal of the subject rejection of Claims 1-19 under 35 U.S.C. §103 and respectfully solicits allowance of these claims.

In view of the foregoing remarks herein, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance be issued. If the Examiner believes that a

telephone conference with the Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,



Steven Fischman  
Registration No. 34,594

Scully, Scott, Murphy & Presser  
400 Garden City Plaza  
Garden City, New York 11530

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